

REMARKS

Claims 1-11 are currently pending. Claim 11 is amended. No new matter is presented. The foregoing amendments and following remarks are considered by Applicant to overcome each objection/rejection raised in the Office Action and to place the application in condition for allowance. Accordingly, Applicant requests reconsideration of claims 1-11.

Claim 11 was rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claim 11 is amended to more clearly recite the claimed invention. Specifically, claim 11 is amended so that it is understood that the mechanical unit having optical elements can be slid into the opening of the microscope body to position the optical elements in the optical axis. In view of amended claim 11, Applicant requests the withdrawal of rejection of claim 11 under 35 U.S.C 112.

Claims 1-6, 9, and 10 were rejected under 35 U.S.C. 102(e) as being anticipated by Sasaki (U.S. Publication No. U.S.2002/0181096 A1). The Examiner takes the position that Sasaki teaches or suggests all the features recited in claims 1-6, 9, and 10. Applicant respectfully disagrees.

Sasaki is directed to a laser microscope having two lasers 2, 3, a mirror 4 and a dichroic mirror 5 and a scanner unit 8. A collimating lens 9 is provided at the output end of the single-mode fiber 7. The collimating lens 9 converts a laser beam from the AOTF 6 to parallel rays. A beam splitter unit 10 is arranged on the optical path for parallel rays from the collimating lens 9.

However, it is respectfully submitted that Sasaki fails to teach or suggest at least one partially reflecting element being provided in the vicinity of the field diaphragm plane and reflecting light from a second light source into the beam path at a slight angle relative to the optical axis. In the claimed invention, the illumination axis 17 of the collimated laser light is inclined by a determined base angle 19 relative to the illumination axis 18 of the microscope. This inclination causes the expanded laser beam to be focused through the reflected tube lens 9 in the edge area of the objective exit pupil 12. Thus, this preset angle of inclination 19 has the advantage that the lateral fine-adjustment of the laser focus in the exit pupil of the objective can be achieved in a very simple manner by a slight tilting

movement of the illumination axis of collimator optics 16, and fiber 15. In contrast, Sasaki fails to teach or suggest any type of slight angle between the axis of the 2 light source or any slight angles to the optical axis of the microscope. In Sasaki, only after entering the optical axis does the beam of the combined lasers is deflected by the scanners 11 to scan the sample. As a result, the cited reference fails to teach or suggest any type of a slight angle relative to the optical axis, as recited in the claimed invention. Therefore, Sasaki fails to teach or suggest the feature of one partially reflecting element being provided in the vicinity of the field diaphragm plane and reflecting light from a second light source into the beam path at a slight angle relative to the optical axis. Accordingly, Applicant requests the withdrawal of the rejection of claim 1 under 35 U.S.C. 102(e).

Claims 2-6, 9, and 10 are dependent upon claim 1, therefore, it is submitted that for at least the reasons mentioned above, these claims likewise recite patentable subject matter. Therefore, Applicant requests the withdrawal of the rejection of claims 2-6, 9, and 10.

Claims 7 and 8 were rejected under 35 U.S.C. 103(a) as being unpatentable over Sasaki in view of Hasegawa (U.S. Patent No. 6,792,138). The Examiner takes the position that the combination of the Sasaki and Hasegawa teach or suggest all the features recited in claims 7 and 8. Applicant respectfully traverses the rejection of claims 7 and 8.

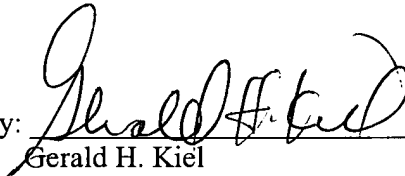
Hasegawa discloses an inclination angle of the fibre 4 and the stage 2, thereby allowing the angle of reflection between the illumination light and the direct reflected light to be adjusted. In other words, Hasegawa discloses that the fibre is directly adjusted to a reference point of the sample t. Thus, there is no teaching of a reflecting element to couple that light into the optical axis. Furthermore, the combination of the cited references fail to teach at least one partially reflecting element being provided in the vicinity of the field diaphragm plane and reflecting light from a second light source into the beam path at a slight angle relative to the optical axis, as recited in claim 1. Since claims 7 and 8 are dependent upon claim 1, it is submitted that for at least the reasons mentioned above, claims 7 and 8 recite patentable subject matter. Therefore, Applicant requests the withdrawal

of the rejection of claims 7 and 8 under 35 U.S.C 103(a).

In view of the above amendments and remarks, it is respectfully submitted that the claims now clearly recite the patentable features of the present invention. Claims 6, 8, and 10 are amended. No new matter is presented. Accordingly, reconsideration and withdrawal of the outstanding rejections and an issuance of a Notice of Allowance is respectfully requested.

Should the Examiner feel that a telephone conference with Applicant's attorney would expedite the prosecution of this application, the Examiner is urged to contact him at the number indicated below.

Respectfully submitted,

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